

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

EDDIE GAMBLE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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ORDER

1:11CV497

1:06CR192-1

On June 28, 2011, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed, and notice was served on the parties in this action, and a copy was given to the court.

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation and, without reason, requested removal of the United States Magistrate Judge from his petition. The motion to remove the Magistrate Judge is DENIED.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that this action be **DISMISSED** *sua sponte* for failure to obtain certification for this § 2255 application by filing a Motion for Authorization in the court of appeals as required by 28 U.S.C §§ 2244 and 2255 and Fourth Circuit

Local Rule 22(d). A judgment dismissing this action will be entered contemporaneously with this Order.

This the 31ST day of October, 2011.

/s/ N. Carlton Tilley, Jr.
Senior United States District Judge